

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 26, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF11od-133

OAHU

Amend Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. bearing Land Office Deed No. 18685 for Electrical Transmission Line Purposes, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-023:portion of 002

BACKGROUND:

A perpetual, non-exclusive easement (LOD 18685) for electrical transmission line purpose was issued to Hawaiian Electric Company, Inc. (HECO) in 1962. The easement runs over portion of State land set aside to the Department of Health (DOH) under Governor's Executive Order No. 3504 for State hospital site purposes.

The adjacent Windward Community College is constructing a new facility which requires the undergrounding of utilities pursuant to the master plan of the college. Under the proposed improvement, the subject easement needs to be relocated to a new location and the new lines will be underground. A map showing the approximate location of the easement is attached as Exhibit A.

According to the map provided by HECO, the area involved in the relocation over SH's area is relatively small. DOH also indicated its concurrence to the relocation project in its memorandum attached as Exhibit B.

Further, condition 5 of the subject easement states, "[s]hould this easement interfere with the use of the land for the purposes of the Grantor or its successors, the Grantee shall relocate at its own cost and expense, said easement to a substitute area, which area is satisfactory to the Grantor."

Chapter 343-Environmental Assessment

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3)(d) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 (d), that states "Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to: water, sewage, electrical, gas, telephone, and other essential

public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." See Environmental Assessment Exemption Notification attached as Exhibit C.

Evaluation

Staff did not solicit comments from other State agencies as the area involved is small in terms of size and the use in the general area remains the same.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Based on the above mentioned, staff believes an amendment to the subject easement at gratis consideration would be in order. However, staff recommends the Board require HECO provide the map and description for documentation purposes.

To facilitate the construction, HECO requests the Board authorize the issuance of a construction and management right-of-entry prior to the issuance of the amendment document.

There are no other pertinent issues or concerns and staff does not have any objection to the request for the proposed amendment.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the amendment of the perpetual, non-exclusive easement to Hawaiian Electric Company, Inc. covering the subject area for electrical transmission line purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. Consideration at gratis;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of construction and management right-of-entry to

Hawaiian Electric Company for the utility purpose, subject to the following:

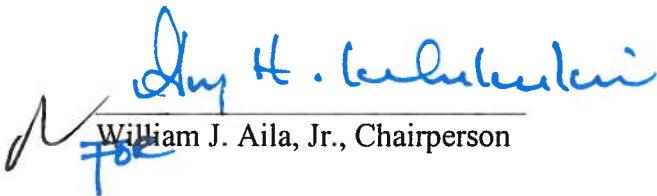
- A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

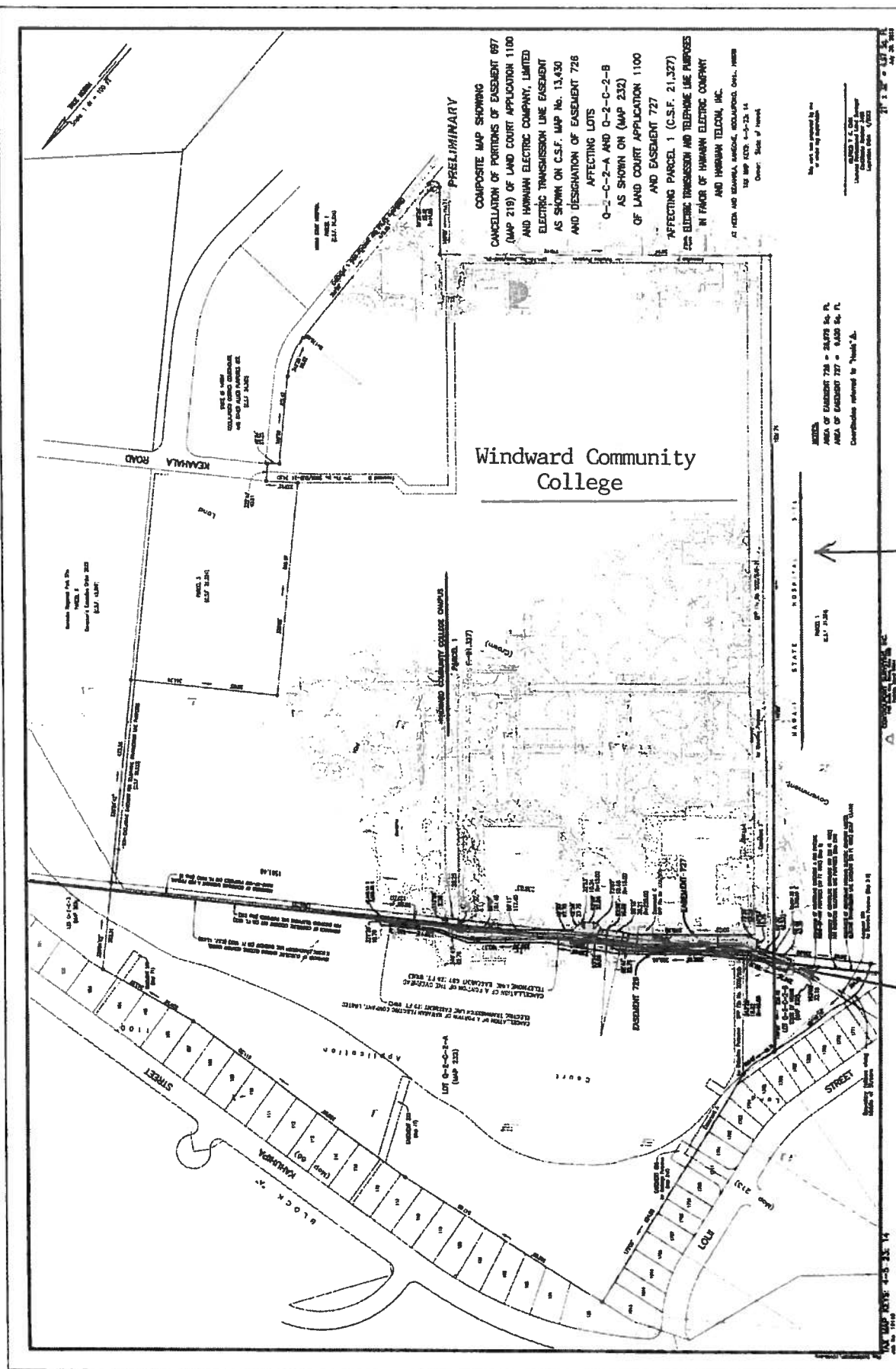
Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

ADDRESS ONLY
ADMINISTRATOR
HAWAII STATE HOSPITAL

INFORMATION REGARDING PATIENTS
IS CONFIDENTIAL AND FURNISHED
FOR PROFESSIONAL PURPOSES ONLY

STATE OF HAWAII
DEPARTMENT OF HEALTH
HAWAII STATE HOSPITAL
45-710 KEAAHALA ROAD
KANELOHE, HAWAII 96744-3528

PLEASE REFER TO
FILE NO.

June 22, 2011

TO: Loretta J. Fuddy, A.C.S.W., M.P.H., Director of Health

THROUGH: Keith Yamamoto, Acting Deputy Director
Behavioral Health Administration

William P. Sheehan., M.D., Chief
Adult Mental Health Division

FROM: Mark A. Fridovich, Ph.D., Administrator

SUBJECT: Request for Modification of Easements and Right-of-Entry for Windward
Community College to Install Underground Utility Lines

The attached requests approvals from the Hawaii State Hospital and the Department of Health to allow for the modification of easements and obtaining right-of-entry. The Windward Community College needs authorization in order to allow Hawaiian Electric Company to install underground utility lines. After permission is obtained from Hawaii State Hospital and the Department of Health, the parties can proceed to the State Land Board for final approval from the Department of Land and Natural Resources Land Division.

The attached is provided for your review, approval and return.

Thank you for your prompt decision and handling of this matter. Should there be questions, I can be contacted at 236-8237.

Attachment



APPROVED



DISAPPROVED


Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

JUL - 7 2011

Date

11-002523
EXHIBIT "B"



UNIVERSITY of HAWAII
WINDWARD
COMMUNITY COLLEGE

Administrative Services

June 20, 2011

Mr. William Elliott
Associate Administrator
Administrative and Support Services
Hawaii State Hospital
45-710 Keaahala Rd.
Kaneohe, HI 96744

Dear Bill,

As you know, Windward Community College, as part of its campus development is constructing a new Learning Library Resource Center. As part of that project, infrastructure improvements, calling for the undergrounding of utilities, and following the College's Master Plan, PRU, and Urban Design Guidelines, are being accomplished.

In undergrounding the electrical lines we need to move portions of HECO's poleline that is covered by an existing easement from the State dated April 9, 1962, recorded as Land Court Document No. 288452 (CSF 13,430) that affects both the Hawaii State Hospital and the Windward Community College sites. The proposed undergrounding project will take the poleline out of the current easement to avoid other existing utilities, requiring a partial cancellation of the existing HECO easement and the granting of new easements, or the amendment of the existing easement.

The realignment of the easement on the Hospital property will require the approval of the Hawaii State Hospital, the Department of Health, and State Land Board approval before a construction right of entry can be issued by the DLNR Land Division. Realignment on the WCC property side requires only UH approval and documentation.

HECO needs the rights of entry from all parties (the University, and the Hawaii State Hospital and Department of Health) in order to accomplish their portion of the undergrounding work. We appreciate your support as demonstrated in earlier discussions to assist us in obtaining the modifications to the easements and the right of entry approval to HECO.

At this time we would greatly appreciate your continued efforts to obtain approvals from the Hawaii State Hospital and Department of Health to modify the easements and obtain the right of entry. We will then together, in a coordinated way, process the easement changes with DLNR and the Land Board for final approval.

Again, thank you for your assistance in this matter,

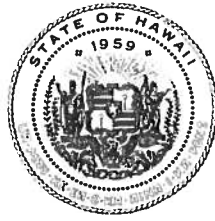
A handwritten signature in black ink, reading "Clifford Togo".

Clifford Togo
Vice Chancellor
Administrative Services
Windward Community College

45-720 Kea'ahala Road
Kāne'ohe, Hawai'i 96744
Telephone: (808) 235-7400
Fax: (808) 247-5362

An Equal Opportunity/Affirmative Action Institution

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 26, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORY PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Relocation of Utility Line

Project / Reference No.: PSF 110d-133

Project Location: Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-023:002 portions

Project Description: Relocate an overhead electrical transmission line to underground

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3)(d) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 (d), that states "Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to: water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The request pertains to relocation of an overhead communication line to underground in order to accommodate an improvement project conducted by the Windward Community College. The subject request plans to relocate an existing utility line and involve no major change of use or alteration of land, water or vegetation condition.

Consulted Parties

Not applicable

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



For William J. Aila, Jr.
Chairperson

Aug. 8, 2011
Date